S.B. Civil Writ Petition No.6814/2007

Chandan Singh & Ors.
vs
Dulha Singh & Ors.

Date of order : 22.10.2007

HON'BLE MR. PRAKASH TATIA, J.

Mr.Sandeep Saruparia, for the petitioners.

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Heard learned counsel for the petitioners.

The petitioners are aggrieved against the order dated 20th Sept., 2006 by which petitioner's application filed under Order 14 Rule 5 CPC was dismissed by the trial court.

By application filed under Order 14 Rule 5 CPC, the plaintiff-petitioner proposed framing of six new issues. According to learned counsel for the petitioners, the trial court has framed only one issue and that is about the validity and legality of the adoption of Dulha Singh. The trial court did not frame issues, which are proposed by the plaintiffs.

I considered the proposed issues as well as pleadings of the parties.

The plaintiffs challenged the adoption of defendant no.1 Dulha Singh to deceased Bhur Singh, for that issue no.1 was framed by the trial court. The proposed issues nos.1,2 and 3 are nothing, but

few of the facts, which are required to be proved by the plaintiffs to prove the issue no.1 already framed issue. The issues nos. 4 and 5 are also the circumstances on the basis of which plaintiffs submit that the adoption is illegal. The issues are not framed on each and every fact when a comprehensive issue can be framed covering all the pleas of the parties.

In view of the above, I do not find that any illegality has been committed in the order passed by the court below Hence, the writ petition of the petitioner is dismissed having no merit.

(PRAKASH TATIA), J.

c.p.goyal/-